

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3013 of 2000

to

FIRST APPEALNo 3045 of 2000

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

SPECIAL LAND ACQUISITION OFFICER

Versus

MARGHABHAI KISHORBHAI PATEL

Appearance:

MS D.S. PANDIT, AGP for appellant

CORAM : MR.JUSTICE Y.B.BHATT

and
MR.JUSTICE M.C.PATEL

Date of decision: 22/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. These are appeals under section 54 of the Land Acquisition Act read with section 96,CPC, at the instance of the State, challenging the common judgement and awards of the Reference Court, decided under section 18 of the said Act. The lands under consideration are situated in the village Ratanpur, Taluka Godhra, District Panchmahals and were acquired for the purpose of the construction of Narmada Main Canal under a notification under section 4 of the Act issued on 24th September 1987.

2. As against the claim of the land-holders at Rs.2250/- per Are, i.e. Rs.22.50ps per square meter, the Land Acquisition Officer in his award under section 11 offered only Rs.2.15ps per square meter.

3. The land-holders thereupon preferred Reference Applications under section 18 of the said Act, which came to be decided by the impugned judgement and awards, determining the market value of the lands acquired at Rs.14.75ps per square meter, and awarding other statutory allowances as per the Act.

4. It is this common judgement and awards which are the subject matter of the present appeals.

5. We have heard the learned counsel for the appellant and have perused such oral and documentary evidence to which our attention has been drawn.

6. We find that the Reference Court has referred to and relied upon the oral evidence of a claimant in one of the compensation cases at Exh.17, whereby he has given extensive details as to the irrigation facility enjoyed by the agricultural lands, the number of crops taken per year, the nature of the crops, the yield of each crops from one Vigha, the sale price of each crops and the net profit they earned per Vigha per year from their agricultural operations.

7. The Reference Court has rightly observed that the State has not led any evidence whatsoever either oral or documentary to contradict the oral evidence led by the claimants.

8. Furthermore, the Reference Court has also referred to and relied upon an earlier award in respect of acquisition of land from the village Junidhari. In the context of this acquisition the Reference Court observed that the said award is comparable and comprises of a reliable instance inasmuch as those lands were acquired during the same period as the instant lands, that those lands and lands in the instant acquisition are of the same quality in fertility and that the village Junidhari and the instant village Ratanpur are adjoining villages. The lands under acquisition in village Junidhari referred to in the said award were valued at Rs.15/- per square meter under the said award. After finding the said award comparable to the acquisition of the lands in the instant case, the Reference Court has valued the instant lands at Rs.14.75ps per square meter.

9. In the premises aforesaid, we find that the appreciation of evidence on record on the part of the Reference Court, the conclusion drawn therefrom and the findings of fact recorded are eminently sustainable and do not justify any interference by way of the present appeals. These appeals are, therefore, summarily dismissed.

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